

REMARKS

Applicant has amended the claims so as to clarify the claimed subject matter. Support for the amendment may be found, e.g., at page 63, and Figure 7. New claims 77- 79 are added to individually claim the peptides of the invention. No new matter is added. The amendment is made for the sole purpose of expediting prosecution.

The Examiner withdrew claims 70-72, and 74-76 as drawn to a non-elected invention, and Applicants have cancelled claim 67, reserving the right to prosecute that subject matter, as well as the originally presented claims, in continuation applications. Claims 62-79 are in the case, with claims 62-66, 68, 69 and 73; and new claims 77-79, under examination. Applicants acknowledge with appreciation that the Examiner has concluded the claims are free of the prior art.

Drawings

Applicants note the objection to the drawings and will submit replacement drawings shortly which will be responsive to the points noted on the PTO 948 form enclosed with the Office Action.

Oath/Declaration

The Examiner objected to the Declaration, Petition and Power of Attorney submitted by Applicants as not executed in accordance with Rule 66 or 68 (37 CFR). Applicants have reviewed the submitted Declaration, Petition and Power of Attorney and believe it to be proper under 37 CFR 1.66 and 1.68, so the objection appears to be in error.

Enablement

Rejection of Claims 62(b) and (c)-69 and 73 under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 62(b) and (c)-69 and 73 under 35 U.S.C. §112, first paragraph. Applicants appreciate the recognition that claim 62 a) is patentable under 35 U.S.C. §112, first paragraph. The Examiner objected to the claims with respect to variants having at least 80% (or 90% or 95%) identity to at least one of the claimed sequences, and fragments having at least 6 contiguous amino acids.

Without agreeing to the propriety of the rejection, Applicants have amended claim 62, and added new claims 77-79, to particularly claim the amino acid sequences the Examiner has recognized as patentable. The claims are fully enabled by Applicants' specification. The rejection has been overcome.

Written Description

Rejection of Claims 62-69 and 73 under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 62-69 and 73 under 35 U.S.C. §112, first paragraph. Specifically, the Examiner contends that the specification contained a sufficient written

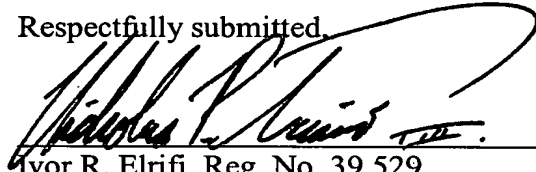
description of SEQ ID NOs: 36, 38 and 41, but not 40, or the variants and fragments of all of the claimed amino acid sequences.

Applicants believe that the claim amendments discussed above obviate the rejection.

SUMMARY

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact either of the undersigned at the telephone number provided below.

Respectfully submitted,



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Appendix A: marked up version of the claims showing the changes made

- 62. (amended once) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:36.
- 77. (new) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:38.
- 78. (new) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:40.
- 79. (new) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:41